## REMARKS

In view of the above Amendment, Applicants believe the pending application is in condition for allowance.

Claims 1-31 are pending, with claims 8 and 21 amended by way of the present Amendment.

In the official Action, claims 1-3, 5-7, 18-19, and 30-31 were rejected under 35 U.S.C. § 102(e) as being anticipated by Gordon et al. (U.S. Patent No. 6,995,748, hereinafter Gordon); claims 8, 9, 21, and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gordon in view of Feldmeier et al. (U.S. Patent 7,220,956, hereinafter Feldmeier); and claims 4, 10-17, 20, and 22-28 were indicated as containing allowable subject matter.

Applicant acknowledges with appreciation the indication of allowable subject matter.

Applicant acknowledges with appreciation the telephone discussion between Applicant's representative and the Examiner on January 10, 2008. During the telephone discussion, the Examiner agreed that Gordon does not disclose or suggest Applicant's claimed at least three activation rates. The Examiner indicated that a new search and/or consideration would be performed upon receiving a formal reply to the outstanding Office Action.

Briefly recapitulating, claim 1 is directed to a computer input device by including, *inter alia*, "at least one controller configured to activate an illumination source at one of at least three activation rates". Independent claims 18 and 30 also recite, *inter alia*, "at least three activation rates".

Gordon describes an apparatus for controlling the position of a screen pointer for an electronic device having a display screen. In one embodiment, slow user motions of a mouse

result in lower frame rates.[1] When an optical mouse is moved at high velocities, different operations are performed.[2] However, as acknowledged by the Examiner during the telephone discussion of January 10, 2008, Gordon does not disclose or suggest Applicant's claimed at least three activation rates.

Independent claims 8 and 21 are amended to recite a step of or a device for determining, based on a first group of received data sets, an imager velocity relative to the surface and relative to one of three predetermined velocity levels. Support for this Amendment is found in Applicant's originally filed specification. No new matter is added. As noted above, Gordon does not disclose or suggest three predetermined velocity levels.

MPEP § 2131 notes that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See also MPEP § 2131.02. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Because Gordon does not disclose or suggest all of the features recited in Applicant's independent claims, Gordon does not anticipate the invention recited in Applicant's independent claims, and all claims depending therefrom.

[1] Gordon column 5, lines 26-30
[2] Gordon column 7, lines 5-22

## Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael E. Monaco, Reg. No. 52,041, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By _____

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